

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

SAND CANYON CORPORATION'S
MOTION FOR ATTORNEY FEES UNDER 28 U.S.C. § 1927

Defendant Sand Canyon Corporation f/k/a Option One Mortgage Corporation (“Sand Canyon”) hereby files its Motion for Attorney Fees under 28 U.S.C. § 1927 and respectfully moves this Court, pursuant to Local Rule 54.1, for an Order granting Sand Canyon’s Motion and requiring Plaintiff’s counsel, attorney Frederick S. Jones, to pay Sand Canyon for the reasonable attorney’s fees Sand Canyon incurred due to the frivolous motion practice conducted by Plaintiff in this litigation. In particular, Sand Canyon requests that it be compensated for the attorneys’ fees incurred in opposing the following five (5) motions (and related filings) filed by Plaintiff:

1. Plaintiff's Motion to Set Aside Void Order, filed July 17, 2019 [Doc. 17];
2. Plaintiff's Motion for Declaratory Judgment, filed August 2, 2019 [Doc. 23];
3. Plaintiff's Counter Motion to Strike Defendant's Motion to Dismiss and Its' Responses Due to Lack of Subject-Matter Jurisdiction Because of Plaintiff's Pending Appeal, filed August 8, 2019 [Doc. 26];
4. Plaintiff's Amended Motion to Set Aside Void Order, filed September 6, 2019 [Doc. 33]; and
5. Plaintiff's Motion to Certify Questions to Georgia Supreme Court, filed September 13, 2019 [Doc. 35].

In total, Sand Canyon incurred more than **\$126,982.00** in attorney fees in responding to the foregoing motions (and related filings) and preparing Sand Canyon's response to Plaintiff's Motion to Certify.¹ This includes the following:

1. Sand Canyon's Response to Plaintiff's Motion to Set Aside, filed August 7, 2019 [Doc. 25];
2. Sand Canyon's Response to Plaintiff's Motion for Declaratory Judgment, filed August 23, 2019 [Doc. 28];
3. Sand Canyon's Motion to Strike or, in the alternative, Motion for Leave to File Sur-Reply, filed August 28, 2019 [Doc. 30];
4. Sand Canyon's Response to Plaintiff's Counter Motion to Strike, filed August 29, 2019 [Doc. 32];
5. Sand Canyon's Sur-Reply to Plaintiff's Memorandum of Law in Response, filed September 12, 2019 [Doc. 34]; and
6. Sand Canyon's Response to Plaintiff's Amended Motion to Set Aside, filed September 27, 2019 [Doc. 37].

This motion is accompanied by a supporting Memorandum of Law and the Affidavits of Attorneys Stephen A. Walsh and Gary J. Toman, which are filed and served contemporaneously and incorporated herewith. The Affidavits include: (i) an itemized bill in which all segments of time are identified as to the nature of the work performed; (ii) a breakdown of time for each attorney working on the case; (iii) the hourly rate applicable and an explanation of how that hourly rate was arrived at; and (iv) a certification by the undersigned Attorneys Walsh and Toman that the work performed was reasonably necessary to the preparation and presentation of the case.

WHEREFORE, Sand Canyon Corporation respectfully requests that this Court GRANT its Motion for Attorney Fees pursuant to 28 U.S.C. § 1927 in the amount of \$126,982.00 against Plaintiff's counsel, Frederick S. Jones.

¹ The Court denied Plaintiff's Motion to Certify prior to the filing of Sand Canyon's response to that motion; nevertheless, Sand Canyon seeks to recover the fees incurred due to the filing of Plaintiff's Motion to Certify.

**WEINBERG, WHEELER, HEDGINS,
GUNN & DIAL**

/s/ Gary J. Toman

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*Attorneys for Sand Canyon Corporation
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on counsel of record for Plaintiff by filing the foregoing on the Court's ECF system, which will email notice to counsel:

Frederick S. Jones
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Respectfully submitted this 17th day of October, 2019.

/s/ Gary J. Toman
Gary J. Toman